

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, AUGUST 1, 2018**

MINUTES

1. The Willmar Planning Commission met on Wednesday, August 1, 2018, at 7:00 p.m. at the Willmar City Offices Conference Room #1.

**** Members Present:** Steve Gardner, Rolf Standfuss, Jeff Kimpling, Dr. Jerry Kjergaard, Margaret Fleck, and Terry Sieck.

**** Members Absent:** Cletus Frank, Terry VanVeldhuizen, and Jonathan Marchand.

**** Others Present:** Sarah Anderson – Planner, Bruce Peterson – Director of Planning & Development Services, Andy Gilbertson – Andrew Gilbertson Construction, LLC, Jason Butler – City Line Towing, Jim Bach – Marcus Construction.

2. MINUTES: Minutes of the July 18th, 2018 meeting were approved as presented.

3. ANDREW GILBERTSON CONSTRUCTION HOUSE MOVE PLAN REVIEW – FILE NO. 18-07: The public hearing opened at 7:01 p.m. Staff presented, on behalf of Andrew Gilbertson Construction, LLC of Atwater, MN, a request for a house move plan review of a single family home onto property described as follows: Lot 1, Block 1, Valley View Addition. The house will be moved into City limits from out of town, and the property is zoned R-2. A 20' utility easement exists across the northern lot line of this property. A new attached garage will be constructed, as well as new siding, windows, soffit & fascia, shingles, doors, and flooring. The home will be sold once renovations are complete.

No one appeared to speak for or against the request, and the public hearing closed at 7:05 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A). Andrew Gilbertson explained that they have waited to set a house move date and time until Planning Commission approval of the house move.

The Planning Commission reviewed and made affirmative findings of fact as per Zoning Ordinance Section 9.E.3.a.1-7.

Mr. Standfuss made a motion, seconded by Ms. Fleck to approve plan review for the house move with the following conditions:

- A. The main floor elevations above finished grade shall be consistent with those of nearby houses.
- B. The curb cut shall be not more than 24' wide.
- C. The deadline for completing all exterior work i.e. house exterior, driveway, sidewalk, landscaping, etc. shall be four (4) months after the house is moved.

- D. A performance bond or certified check in the amount of \$3,000 shall be submitted to the City (prior to issuance of house move and building permit) as security to ensure completion of the exterior work.
- E. The use shall meet all applicable local, state, and federal laws and regulations at all times.

The motion carried.

- 4. 1ST ST STATION DRIVE THROUGH PLAN REVIEW – FILE NO. 18-08: Staff presented plans on behalf of the applicant Marcus Construction, Willmar, MN of a four unit commercial building with one proposed drive through window on property described as follows: Part of the Southwest ¼ of Southwest ¼, commencing 33 feet east of the southwest corner then north 150 feet 10 inches, being point of beginning, then east 150 feet, north 100 feet, west 150 feet, south 100 feet to beginning AND Part of the Southwest ¼ of Southwest ¼: commencing 33 feet east of southwest corner of Southwest ¼ of Southwest ¼, then north 150 feet 10 inches, then east 150 feet, then south 150 feet 10 inches, then west 150 feet to beginning. The property is zoned GB and requires plan review due to the proposed drive through window. The property has two proposed accesses, but Engineering has concern regarding existing traffic conflicts along Willmar Avenue SE. The proposed drive through is one way, and allows stacking for six vehicles. Parking setbacks are not met along north and west lot lines; a variance shall be obtained or setbacks met.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Commission discuss at length traffic conflicts along Willmar Avenue. Although the City finds it ideal for there to be no access along Willmar Avenue SE, it is also recognized that this would restrict access to the commercial use. Engineering has proposed a “right-in and right-out” only access for this entrance as the majority of conflicts are due to vehicles turning left. The Commission agreed that better traffic control was necessary in this area, and liked the Engineers proposal.

The Commission inquired about parking setbacks and retaining wall locations. The Fire Marshall’s comments were also reviewed. Although a fire lane requires at least 20 feet in width, the drive through is not a required fire lane.

The Planning Commission reviewed and made affirmative findings of fact as per Zoning Ordinance Sections 9.E.3.a.1-7.

Mr. Kimpling made a motion, seconded by Ms. Fleck, to approve the plans with the following conditions:

- A. Parking setbacks shall be met, or a parking setback variance on north and west sides of the property shall be obtained.
- B. Landscape plans shall be submitted, reviewed, and approved by staff prior to issuance of a building permit.

- C. All Engineering Department comments shall be met, adhered to, and additional information supplied as requested.
- D. The use shall meet all applicable local, state, and federal rules and regulations at all times.
- E. Access along Willmar Ave shall be “right-in and right-out” only as Engineering Department requested due to existing traffic conflicts.

The motion carried.

5. CITY LINE TOWING PRELIMINARY SITE PLAN: Staff presented a preliminary site plan and potential rezoning for a limited Salvage Yard (used car part sales) use on property described as follows: Lots 1-3, Block 4, Paulson & Sunde’s Subdivision of Lot D Eastern Addition to Willmar AND Beginning on south line of Lot 3, 250’ east of southeast corner of Lot 7 then south 36.5’ then east to west line of 6th St SE then north along west line of 6th St E to south line of Benson Ave then west along south line of Benson Ave to northeast corner of Lot 1 southwesterly along east line of Lots 1-3 to southeast corner of Lot 3 then west along south line of Lot 3 to beginning (532 Benson Ave SE). A towing impound lot exists on the western lot currently and the owner would like to apply for a Minnesota State Used Vehicle Parts and Scrap Metal license to disassemble and sell used car parts from wrecked cars on site. Currently, a salvage yard is not allowed in a GB zone, but automobile/truck sales and part sales are allowed in a GB zone. Property to the north is Industrial (I-2), east and west properties are zoned GB, and property to the south is Residential (R-2).

Jason Butler of City Line Towing added that the use would be completely screened and a limited amount of vehicles would be on the site. No stacking of cars would occur. Access would be off of 6th St.

The Commission inquired about the State’s definition of a salvage yard. Mr. Butler emphasized that the work would not be visible. Intensity of use and aesthetic was heavily discussed, along with proximity to residential uses. Staff reminded commission that an impound lot already exists on the western parcel.

Mr. Butler discussed the potential for future expansion in this area. City Line Towing continues to grow and most recently has opened a taxi service.

The Planning Commission asked about pollution of the site and fluids that would leak into the earth from wrecked cars. The State heavily monitors and regulates totaled vehicles. Mr. Butler explained that once the usable parts have been dismantled, the shell will be taken off the property and recycled.

The Commission brought up a denied request for a daycare in an industrial use earlier this year. Staff reminded the Commission that this property is contiguous with other commercial and industrial uses. There is direct proximity to residential property, but impound lots and automobile businesses are permitted in a commercial zone. This is a

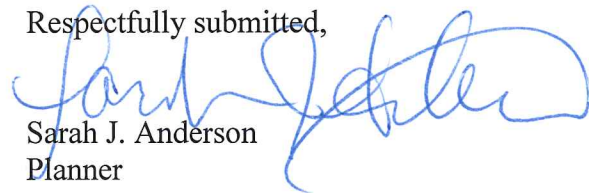
transitional area along a major artery, while the property being considered for a daycare was completely surrounded by an industrial zone.

Staff reminded the Commission that the use would require a Conditional Use Permit, and any conditions the Commission felt necessary could be stipulated for the approval of such a permit. Staff also reviewed the public hearing requirements for both a rezone (map or text) and a CUP.

After extensive discussion regarding this potential use, the Planning Commission requested Staff draft a few draft text amendment options to consider at a later meeting. The Planning Commission has taken no action at this time.

6. MISCELLANY: The Planning Commission remarked on the fences being put up by the new Dairy Queen and Kwik Trip – a requirement of plan review approval last year – and thanked staff for seeing that the screening requirement was met.
7. There being no further business to come before the Commission the meeting adjourned at 8:15 p.m.

Respectfully submitted,



Sarah J. Anderson
Planner

PLANNING COMMISSION – AUGUST 1, 2018

STAFF COMMENTS

1. ANDREW GILBERTSON CONSTRUCTION HOUSE MOVE PLAN REVIEW – FILE NO. 18-07:

- The applicant is Andrew Gilbertson from Andrew Gilbertson Construction, LLC, Atwater, MN.
- The applicant is requesting a plan review for a house move onto property described as follows: Lot 1, Block 1, Valley View Addition.
- The house is currently located outside City limits, and the proposed location is currently a vacant lot.
- The property is zoned R-2 (One- and Two-Family Residential). The home will be a single family residence.
- All setbacks and minimum lot requirements are met.
- A 20' utility easement for stormwater runs east and west across the northern lot line.
- The property will be accessed via Lakeland Dr SE, and there will be a concrete driveway.
- An attached garage has been proposed on the home, as well as new siding, windows, soffit & fascia, shingles, doors, and flooring.
- The home will fit in with the area, and above grade elevations will be consistent with those of nearby houses.
- The Planning Commission can assign a performance bond or other security to ensure that the exterior improvements are completed and done in a timely fashion.
- Proposed date and time on house move? Structure sit on site until footings completed?

RECOMMENDATION: Approve the plan review for the house move with the following condition:

- A. The main floor elevations above finished grade shall be consistent with those of nearby houses.
- B. The curb cut shall be not more than 24' wide.
- C. The deadline for completing all exterior work i.e. house exterior, driveway, sidewalk, landscaping, etc. shall be four (4) months after the house is moved.
- D. A performance bond or certified check in the amount of \$3,000 shall be submitted to the City (prior to issuance of house move and building permit) as security to ensure completion of the exterior work.
- E. The use shall meet all applicable local, state, and federal laws and regulations at all times.

2. 1ST ST STATION DRIVE THROUGH PLAN REVIEW - FILE NO. 18-08:

- The applicant is Marcus Construction, Willmar, MN.
- The applicant requests plan review for a new 4-unit commercial building with one proposed drive through window on property described as follows: Part of Southwest ¼ of Southwest ¼, Section 14, Township 119, Range 35 (1221 1st St S).
- The property is zoned GB (General Business) in which plan review is required for drive up windows.
- There are two 32' proposed accesses via 1st St S and Willmar Ave SE – similar to the current accesses.

- Parking setbacks shall be adhered to or a variance shall be obtained for setbacks along 1st St S & the northern interior lot line. The eastern interior lot line and setbacks along Willmar Ave SE are already legal-nonconforming and will not change.
- Parking spaces along the north lot line are intended for employee parking – access?
- The drive through is single width, one-way only. Will access to the garbage enclosure and emergency vehicle access be an issue?
- No tenants are secured, but most units are being inquired about by office/retail uses. Unsure if a restaurant will occupy the unit with the drive through or not.
- Adequate number of parking spaces? 36 spaces currently proposed.
- The architectural look of the building will fit in well in the commercial corridor of 1st St S.
- A landscape plan was not submitted. One shall be submitted for review and approval prior to issuance of a building permit.
- Sign review and permitting is ancillary from the plan review process.

Fire Marshal Comments: There is not enough travel space on both the north and east sides of the building. Fire Code requires at least 20 feet of clear travel space. I prefer 24 feet.

Engineering Comments: I have reviewed the site plan for First Street Station, prepared by Negen and Associates, and have the following comments.

- Planning Commission to review the non-conforming setbacks and number of parking spaces.
- Post development runoff should be equal to or less than pre development runoff. Drainage calculations shall be submitted.
- Prior to any soil disturbing operations, perimeter silt fence shall be installed to prevent any sediment from leaving the site.
- This site has 6" sanitary sewer and 1.5" water service. The redevelopment of the site will require tapping fees and will be calculated based on new fixture units.
- All downstream storm sewer inlets or aprons shall have inlet protection in place prior to any soil disturbing operations.
- Because of existing traffic conflicts for east bound Willmar Avenue traffic entering the site, it is recommended that the proposed new entrance on Willmar Avenue be "right in and right out" only for Willmar Avenue west bound traffic.
- If the existing First Street entrance is being changed, it should be noted that the existing curb on First Street is doweled to the underlying 8" concrete base.
- The proposed parking lot perimeter to be curbed and storm sewer installed to control storm water

RECOMMENDATION: Approve the plan review for the house move with the following condition:

- A. Parking setbacks shall be met, or a parking setback variance on north and west sides of the property shall be obtained.
- B. Landscape plans shall be submitted, reviewed, and approved by staff prior to issuance of a building permit.
- C. All Engineering Department comments shall be met, adhered to, and additional information supplied as requested.
- D. The use shall meet all applicable local, state, and federal rules and regulations at all times.

NOTICE OF HEARING FOR PROPOSED ORDINANCE

Notice is hereby given that the City of Willmar Planning Commission will meet on Wednesday August 15, 2018, at 7:01 p.m. at the City Office Building (Conference Room #1 main floor), 333 6th St. SW, to consider an ordinance replacing No. 2.023 known as the Subdivision Ordinance of the City of Willmar. The new Ordinance establishes regulations for the subdivision and platting of land within the City of Willmar, defining requirements for preparation of plats, installation of improvements, park and open space dedication, approval and recording of plats, and penalties for violation of the Ordinance.

Copies of the proposed ordinance are available at the Willmar City Offices, Planning and Development Department, 333 6th St SW.

All are hereby notified of the public hearing and invited to attend or be represented by counsel to be heard on this matter. The Planning Commission meeting agenda and packet can be found on the Calendar on the home page of the City's website (www.willmarmn.gov).

July 31, 2018
Date

Sarah J. Anderson
Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Maria al 235-0850 ext. 1100, de Heartland Community Action Agency.

Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

**CITY OF WILLMAR
REGULATIONS FOR THE SUBDIVISION AND PLATTING
OF LAND WITHIN THE CITY OF WILLMAR**

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN THE CITY OF WILLMAR, DEFINING CERTAIN TERMS USED THEREIN; PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS; PROVIDING FOR THE DEDICATION OF CERTAIN LAND FOR PARKS AND PLAYGROUNDS; ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF PLATS AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE CITY OF WILLMAR DOES ORDAIN:

**SECTION 1
SHORT TITLE**

This Ordinance shall be known as the “SUBDIVISION ORDINANCE OF THE CITY OF WILLMAR”, and will be referred to herein as “this Ordinance”.

**SECTION 2
GENERAL PROVISIONS**

A. Purpose.

This Ordinance is enacted pursuant to the authority contained in Minnesota Statute Chapters 505 and 462 for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the City.
2. To harmonize the subdivider’s interests with those of the City at large.
3. To protect existing and future investments and property values.
4. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
5. To provide the most beneficial relationship between the use of land and the circulation of traffic throughout the city.
6. To provide for open spaces through the most efficient plat design and layout, while respecting the density of land developed in accordance with the Zoning Ordinance.

7. To prevent the pollution of air, streams, and lakes, and to encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the City.
8. To provide consistency with the purpose and intent of the Comprehensive Plan, Municipal Code, and land use ordinances.

B. Jurisdiction.

The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City. These regulations may be applied outside corporate limits, as provided for under Minn. Stat. Ch. 462, pursuant to a duly adopted resolution of the City Council.

C. Application of Ordinance.

The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two or more lots, tracts, or other division of land, including the resubdivision of land or lots. All subdivisions shall be prepared, presented for approval, and recorded as required in this Ordinance, unless exempted as follows:

1. Divisions of land into tracts larger than two and one half (2 ½) acres in area and one hundred fifty (150) feet in width, where no new street is involved.
2. Boundary line corrections.
3. Subdivisions required by court order.
4. The creation of cemetery plots.

A Certificate of Survey is required for exemptions 1-3, and shall be reviewed by City Staff prior to recording.

D. Approvals Necessary for Acceptance of Subdivision Plats.

Before any plat shall be recorded or be of any validity, it shall have been approved by the City Planning Commission and by the City Council of Willmar, as having fulfilled the requirements of this Ordinance, unless the Commission's denial was overridden by the City Council in conformity with the requirements of the City Charter.

E. Applicable Findings.

In reviewing major or minor subdivision applications under this Ordinance, the Planning Commission and City Council shall consider all aspects of the proposed subdivision; particular attention shall be paid to the width and location of streets, sidewalks, suitable sanitary utilities,

surface drainage, lot sizes and arrangements, as well as requirements such as parks and playgrounds, schools, recreation sites, and other public uses when applicable. All of the following findings shall be made prior to the approval of a subdivision:

1. All the applicable provisions of the Municipal Code and Ordinances are complied with, including, but not limited to, the Zoning and Stormwater Ordinances.
2. There is no factual demonstration of a substantial/appreciable negative impact to the present and potential surrounding land uses.
3. The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision.
4. The subdivision is consistent with the City Comprehensive Plan.
5. The subdivision preserves and incorporates the site's important existing natural, scenic, and historical features to the greatest extent possible.
6. All land intended for building sites can be used safely without endangering the residents by peril from floods, erosion, continuously high water table, severe soil conditions or other menace.
7. The subdivision can feasibly be served with public facilities, infrastructure, and services, and the developer will satisfy this Ordinance's requirements for the construction of such public facilities and infrastructure.

F. Definitions.

For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

1. **Block** - An area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary of boundaries of the subdivision, or a combination of the above with a river, lake or railroad right-of-way.
2. **Building Permit** - A permit issued by an authorized official of the City to an agent or an owner of land granting lawful authority to build, repair, alter, or reconstruct buildings, structures, or improvements, as required under the City's Building Code.
3. **Certificate of Survey** – A certified survey supplied by a Land Surveyor registered in the State of Minnesota required for divisions of land in the City that are exempted in this Ordinance.
4. **City** - The City of Willmar, Minnesota.
5. **City Council** - The governing body of the City of Willmar.

6. **City Engineer** - The professional engineer designated by the Council.
7. **Comprehensive Plan** - The Willmar community's formal expression of social and economic goals portrayed graphically and in writing, showing the community's desirable future development, the projected uses of private land, and the general location and extent of proposed public facilities, as the same may be updated and amended from time to time.
8. **County** – Kandiyohi County, Minnesota.
9. **Deflection Angle** - The angle between a line and the prolongation of the preceding line.
10. **Design Standards** - The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right of way, blocks, easements and lots.
11. **Easement** - A grant by a property owner of an interest in such property for the use of land for the purpose of constructing and maintaining any public utilities, storm drainage ways, ponding area, walkways, roadways or other uses as specified in the legal instrument creating the interest.
12. **Horizontal Curve** - The circular curve connecting two lines at tangent points.
13. **Lot** - A parcel of land described by metes and bounds, registered land survey, or plat intended for building development, ~~or for~~ transfer, or ownership.
14. **Owner** - Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of any of them who owns an interest in real property.
15. **Parks & Playgrounds** - Public lands and open spaces in the City of Willmar dedicated or reserved for recreation, open space, or conservation purposes.
16. **Percentage of Grade** - The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.
17. **Pedestrian Way** - A public or private right of way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of utility lines.
18. **Planned Unit Development** - An area of land, to be developed as a single cohesive development so as to encourage residential, commercial and industrial developments offering greater creativity and flexibility in site plan design which promotes the purposes of the City Comprehensive Plan and Zoning Ordinance but which does not necessarily

correspond in lot size, bulk, or type of dwelling or commercial or industrial use density, lot coverage and open space to the regulations established in any one district.

19. **Planning Commission** - The Planning Commission of the City of Willmar.
20. **Plat** - The drawing, map, or representation on paper of a piece of land subdivided into lots, parcels, tracts, or blocks, including streets, commons, and public grounds, if any, drawn to scale and complete with all irrevocable offers of dedication, pursuant of Minn. Stat. Ch. 505, and this Ordinance.
 - a. **Final Plat** - A drawing or map of a subdivision prepared by a Land Surveyor registered in the State of Minnesota, meeting all the requirements of the City, Minnesota State Statutes, and in such form as required by the County for purposes of recording.
 - b. **Preliminary Plat** - A tentative drawing or map of a proposed subdivision meeting all requirements of the City as stated this Ordinance.
21. **Protective Covenants** - Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
22. **Right-of-Way (r/w)** – That portion of a dedicated street, avenue, or other public way lying between its outer boundaries, and within which public streets, boulevards, tree plantings, sidewalks, and utilities may be located.
23. **Street** - A public right of way providing primary access by pedestrians and vehicles to abutting properties, whether designated as a roadway, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, place or however otherwise designated.
 - a. **Alley** - A public right of way which affords a secondary means of access to abutting property.
 - b. **Boulevard** – The area of street right-of-way between the curblin and the property line.
 - c. **Collector Street** - Those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts.
 - d. **Cul-de-sac** - Minor streets with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
 - e. **Local or Minor Streets** - Those which are used primarily for access to abutting properties.

- f. **Frontage or Marginal Access Streets** - Those which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.
 - g. **Arterial Streets** - (Primary and Secondary) Those which are used primarily for heavy traffic, and serving as an arterial traffic way between the various districts of the community.
 - h. **Street Width** - The shortest distance between lines of lots delineating the street right of way.
- 24. **Subdivision** - A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than two and one half acres in area or less than 150 feet in width, for the purpose of transfer of ownership, building development, or tax assessment purposes. The term includes resubdivision, and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.
 - a. **Minor Subdivision** – A subdivision of land that results in no more than four (4) parcels, and meets all requirements of Section 3.A.1 of this Ordinance.
 - b. **Major Subdivision** – A subdivision of land that does not qualify as a Minor Subdivision.
- 25. **Tangent** - A straight line which is perpendicular to the radius of a curve where a tangent meets a curve.
- 26. **Vertical Curve** - The surface curvature on a street center line located between lines of different percentage of grade.
- 27. **Zoning Administrator** – The Zoning Administrator of the City of Willmar.

SECTION 3 PROCEDURE

A. Minor Subdivision.

- 1. *Qualifications.* A subdivision shall meet the following conditions to qualify as a minor subdivision, and shall be subject to the Planning Commission's review and approval pursuant to this Section:
 - a. The subdivision results in not more than four (4) lots or parcels.
 - b. All utilities and easements are provided.
 - c. Design standards and minimum lot area and width are met.

- d. No new or changes to current streets, utilities, or easements are required, except for the requirements in Section 6.D.1&5 (municipal utility and tree planting easements).
 - e. The plat does not abut or contain a wetland, lake, state highway, country road or highway, or county state-aid highway.
 - f. No nonconformity is created or expanded.
2. *Procedure.* Before dividing or combining any tracts(s) of land that qualify as a minor subdivision, the procedure set forth in this section shall be followed:
- a. A preliminary plat (consistent with the requirements in Section 4), application, applicable fees, and such other information as the Zoning Administrator shall require to review the proposed minor subdivision shall be submitted to the Zoning Administrator at least fourteen (14) days prior to the Planning Commission meeting at which the same shall be considered. However, the Planning Commission, whenever it deems appropriate, may require a major subdivision plat procedure. The Zoning Administrator shall review the minor subdivision application materials for completeness, and if it is determined additional information is necessary to complete the application, shall return the application to the applicant with a description of the additional information needed. Once the application is determined to be complete, the Zoning Administrator shall review the minor subdivision application, and prepare a report thereon setting out whether or not the plat meets requirements of state and federal law, City ordinances, and the City of Willmar Comprehensive Plan. The plat may be sent to Willmar Municipal Utilities, the Willmar Fire Chief/Marshall, City Engineering/Public Works, City Attorney, and others as necessary for comment and review. The Zoning Administrator shall present said report, together with recommendations, to the next meeting of the Commission following its filing as set forth above.
 - b. Upon the Zoning Administrator's determination that the minor subdivision application is complete, the Planning Commission shall consider the minor subdivision at the meeting at which it is submitted, and may consider the same at future special or regular meetings as it shall determine necessary.
 - c. A public hearing may be held on the minor subdivision as the Planning Commission shall determine necessary. Such hearing, if conducted, shall be held following publication of notice of the time and place thereof in the official newspaper and to property owners residing within three hundred and fifty (350) feet of the subject property. Such notices shall be sent by the Zoning Administrator, and addresses taken from current county tax records shall be deemed sufficient for such notification. Said notice shall not be less than ten (10) days nor more than thirty (30) days prior to the public hearing.

- d. The Planning Commission shall have the authority to approve or deny the minor subdivision, to approve it with conditions attached, or to table it until and unless certain conditions are first complied with, provided that if further action is not taken by the subdivider within a period of three (3) months from the date of such decision, the minor subdivision shall be deemed to be disapproved.
- e. The Planning Commission may impose additional reasonable conditions of approval as it determines appropriate based on the circumstances of the minor subdivision, including, without limitation, that the City's actual cost to review the minor subdivision plat application be reimbursed by the subdivider; that an irrevocable letter of credit or other accepted means of security be submitted to secure any portion of applicable park dedication fees for which payment will be delayed pursuant to Section 8.F of this Ordinance; and that the final plat conform to the requirements of Minn. Stat. Ch. 505 and be in a form recordable in the Office of the County Recorder.
- f. A final decision to approve the minor subdivision by the Planning Commission shall be determined by motion; however, a decision to deny the minor subdivision shall be made by written resolution setting forth the basis for the denial. The Planning Commission's final action shall be communicated to the subdivider by the Zoning Administrator.
- g. The subdivider shall submit one (1) digital copy of the final plat (consistent with the requirements in Section 5) to the Zoning Administrator for filing and to assure all terms of the Commission's approval have been met prior to recording the plat with the County.
- h. The subdivider shall record the minor subdivision final plat approved by Staff within six (6) months of the Planning Commission approval date. The subdivider shall provide the City with one (1) copy of the Mylar showing evidence of recording. If the plat is not recorded within the time given, the Commission may extend the time period of approval for not more than six (6) months.
- i. If the minor subdivision plat is approved, the Planning Commission chairman and secretary and the City Council Mayor and City Clerk shall sign the same when the recordable copies are presented for signatures.

B. Major Subdivision.

1. *Preliminary Plat.* Before dividing or combining any tract(s) of land in a way that does not qualify as a minor subdivision, the procedure set forth in this section shall be followed. A preliminary plat application shall be approved or denied by the Planning Commission and City Council within 120 days of the date a complete preliminary plat application was received by the Zoning Administrator, unless the City and the applicant have agreed to an extension. The Planning Commission may consolidate its review and consideration of the preliminary and final plats into one process.

a. Submittal to the Planning Commission.

(1.) A preliminary plat (consistent with the requirements in Section 4), application, applicable fees, and such other information as the Zoning Administrator shall require to review the proposed preliminary plat shall be submitted to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which the same shall be considered. The Zoning Administrator shall review the preliminary plat application materials for completeness, and if it is determined additional information is necessary to complete the application, shall return the application to the applicant with a description of the additional information needed. Once the application is determined to be complete, the Zoning Administrator shall review the preliminary plat, and prepare a report thereon setting out whether or not the plat meets requirements of the state and federal law, City Ordinances, and the City of Willmar Comprehensive Plan. The plat may be sent to Willmar Municipal Utilities, the Willmar Fire Chief/Marshall, City Engineering/Public Works, City Attorney and others as necessary for comment and review. Should a plat abut or contain a wetland, lake, state highway, county road or highway, or county state-aid highway, then the Zoning Administrator shall promptly forward a copy of the proposed plat to the appropriate state agency or the County for comment and review thereon within thirty (30) days. All comments on the proposed plat received from any state or county agencies shall be included in the Zoning Administrator's report to the Planning Commission. The Zoning Administrator shall present said report, together with recommendations, to the next meeting of the Commission following its filing as set forth above.

(2.) Upon the Zoning Administrator's determination that the preliminary plat application is complete, the Planning Commission shall consider the plat at the meeting at which it is submitted, and may consider the same at future special or regular meetings as it shall determine necessary.

(3.) A public hearing shall be held on all major subdivision applications prior to preliminary plat approval within sixty (60) days of filing. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper and to property owners residing within three hundred and fifty (350) feet of the subject property. Such notices shall be sent by the Zoning Administrator, and addresses taken from current county tax records shall be deemed sufficient for such notification. Said notice shall not be less than ten (10) days nor more than thirty (30) days prior to the public hearing.

(4.) The Planning Commission shall approve or deny the preliminary plat, approve it with conditions attached, or table it until and unless certain conditions are first complied with, provided that the Commission must make its final decision within sixty (60) days of the date a complete preliminary plat application

was received by the Zoning Administrator unless an extension is agreed to by the applicant.

(5.) If the proposed subdivision will involve construction of public improvements, the Commission may make a condition of approval that the subdivider enter into a development agreement in a form satisfactory to the City that addresses the manner in which such public improvements will be constructed and financed pursuant to the requirements of this Ordinance. The Commission may impose additional reasonable conditions of approval as it determines appropriate based on the circumstances of the subdivision, including, without limitation, that the City's actual cost to review the major subdivision plat application be reimbursed by the subdivider; that an irrevocable letter of credit or other accepted means of security be submitted to secure any portion of applicable park dedication fees for which payment will be delayed pursuant to Section 8.F of this Ordinance; and that the final plat conform to the requirements of Minn. Stat. Ch. 505 and be in a form recordable in the Office of the County Recorder.

(6.) A final decision to approve the preliminary plat by the Planning Commission may be made by motion; however a decision to deny the preliminary plat shall be made by written resolution setting forth the basis for the denial. The final action shall be communicated to the subdivider by the Zoning Administrator, and the Commission's decision shall be forwarded to the City Council with data as applicable.

b. Submittal to the City Council.

(1.) Upon the approval by the Planning Commission, or in the event the Planning Commission shall fail to act within the time required above, the preliminary plat shall come before the City Council for review.

(2.) The Council may hold public hearings on the plat as it shall determine, and upon such, notice shall be provided.

(3.) The Council shall have authority to approve, deny, modify, or amend the decision of the Planning Commission, and it may refer the same to the Planning Commission for further study with or without directions. A referral to the Planning Commission shall not be deemed a final action thereon by the City Council, and the Planning Commission shall report back thereon no later than thirty (30) days following the council meeting at which it was referred. The City Council may impose additional reasonable conditions of approval as it determines appropriate based on the circumstances of the subdivision, including, without limitation, any conditions imposed by the Planning Commission under this Section.

(4.) A final decision to approve the preliminary plat by the City Council may be made by motion; however, a decision to deny the preliminary plat shall be made by written resolution setting forth the basis for the denial.

(5.) The approval of the preliminary plat shall not constitute an acceptance of the subdivision, but it shall be deemed to be an authorization to proceed with the preparation of the final plat.

(6.) The approval of the preliminary plat by the City Council shall be effective for a period of one (1) year from the date of approval by the City Council.

(7.) The subdivider may file a final plat limited to such portion of the preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion, or all, of the final plat has not been submitted to the Planning Commission for approval within the time hereinabove provided, a preliminary plat must again be submitted to the Planning Commission and the City Council for approval, unless the Commission and the Council extend the time period of preliminary approval, which extension shall be for not more than twelve (12) months.

2. *Final Plat.* After the preliminary plat has been approved, and the subdivider determines to proceed to secure approval of all or part thereof as a final plat, the procedure set forth in this section shall be followed. A final plat shall be approved or disapproved by the Planning Commission and City Council within 60 days of the date a complete final plat application evidencing satisfaction of all conditions of preliminary plat approval was received by the Zoning Administrator. If the preliminary and final plat approval process is consolidated, a final plat shall be submitted to the Zoning Administrator for filing and to assure all terms of the Commission's approval have been met prior to the recordable copies being presented for signatures.

- a. Submittal to Planning Commission.

(1.) The final plat (consistent with the requirements in Section 5) shall be submitted to the Zoning Administrator at least fourteen (14) days prior to the Planning Commission meeting at which the same shall be considered. The Zoning Administrator shall review the final plat application materials for completeness, and if it is determined additional information is necessary to complete the application, shall return the application to the applicant with a description of the additional information needed. Once the application is determined to be complete, the Zoning Administrator shall prepare a report clearly stating whether or not the final plat is consistent with and satisfies all conditions of approval of the preliminary plat, and whether or not it conforms to the requirements of state and federal law, City ordinances, and the City of Willmar Comprehensive Plan. The

Zoning Administrator shall present said report, together with recommendations, to the next meeting of the Commission following its filing as set forth above.

(2.) The subdivider shall present with the plat to the Planning Commission an abstract of title, Title Opinion, or Certificate of Title, with an opinion of a duly licensed attorney at law certifying that the persons signing the plat are the only owners of interest, either as fee title owners, owners of less than fee, or as mortgagees or lien holders, of the land therein platted. The said attorney's opinion shall also contain a certification that the plat meets the requirements imposed by the laws of the State of Minnesota and the ordinances of the City of Willmar, provided, however, that with respect to the requirements of such laws and ordinances dealing with data and provisions of an engineering nature, it shall be sufficient if such opinion sets forth that the requirements of the laws and ordinances respecting questions of engineering, survey and similar technical data are considered to be within the province of the City Engineer and are not passed upon in the opinion.

(3.) The Planning Commission shall consider the final plat at the meeting at which it is submitted, and may consider it at such future special or regular meetings as it shall determine necessary.

(4.) The Planning Commission shall approve or deny the plat. If conditions required on the preliminary plat have not been met, all further action on the plat shall be suspended until the subdivider shall respond thereto, provided that if further action is not taken by the subdivider within a period of three (3) months from the date of such decision, the plat shall be deemed to be denied.

(5.) A final decision to approve the final plat by the Planning Commission shall be made by motion; however a decision to deny the plat shall be made by written resolution setting forth the basis for the denial. Final action shall be communicated to the subdivider by the Zoning Administrator, and Commission's decision shall be forwarded to the City Council, together with the plat and data as applicable.

(6.) If the Planning Commission approves the final plat, the chairman and the secretary shall sign the same when the recordable copies are presented for signatures.

b. Submittal to the City Council.

(1.) Upon the decision of approval or denial by the Planning Commission, or in the event the Planning Commission shall fail to act within the time required above, the final plat shall come before the City Council for review.

(2.) The Council may hold such public hearings on the final plat as it shall determine, and upon such, notice shall be provided.

(3.) If the Council is not satisfied with the final plat as presented, it may deny the same, set forth such conditions and requirements as it shall require to be fulfilled before the same is approved, or refer the same to the Planning Commission for such further action as it shall determine. Upon such referral, the Planning Commission shall act thereon at the next meeting and report back to the Council no later than thirty (30) days after the said action of the City Council, unless an earlier report is required for the City to satisfy the applicable time limit for final action on the final plat application, in which case the date by which such report is required shall be communicated to the Commission in the referral.

(4.) If the Council shall determine to approve the plat, it may do so by motion and the decision shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, and other open spaces dedicated for public purposes. If the Council denies the plat, it shall do so by written resolution setting forth the basis for the denial.

(5.) If the Council shall determine to approve the plat notwithstanding disapproval of the same by the Planning Commission, it shall make such decision in conformity with the requirements of the City Charter for overruling the Planning Commission and such action shall be endorsed on the plat over the signature of the City Clerk.

(6.) The action of the City Council finally determining the matter shall be communicated by the Zoning Administrator to the subdivider, and if the plat be denied, a copy of the resolution denying the plat stating the reasons given by the Council for such denial shall be provided.

(7.) If the City Council approves the final plat, the Mayor and the City Clerk shall sign the same once the recordable copies are presented for signatures.

(8.) A paper copy of the Final Plat shall be supplied by the subdivider to the County for review prior to printing recordable copies of the plat.

(9.) If the final plat is approved by the City Council, or by act of law, the applicant shall record it with the County Recorder within one hundred eighty (180) days from final plat approval by the City Council, unless a time extension has been granted by the City Council following written application thereof by the subdivider made to the City at least thirty (30) days prior to the date of expiration. The subdivider shall provide the City with a copy of the plat showing evidence of recording. Failure to record the final plat within the one hundred eighty (180) day period shall render final plat approval by the City Council null and void, unless the City Council has granted an extension of time in which the final plat shall be recorded as provided in this paragraph. In the event that a final plat is not timely recorded, a new plat application and process shall thereafter be required. No changes, erasures, modifications or revisions shall be made in any final plat after

approval is given by the City Council and signing of the final plat by the Mayor and applicable City representatives.

SECTION 4

DATA REQUIRED FOR PRELIMINARY PLATS

A. Filing.

The owner or subdivider shall prepare and submit a preliminary plat, together with an application supplied by the Zoning Administrator, applicable fees, and such other information as the Zoning Administrator shall require to review the proposed application. Eight (8) small (11" x 17") and one (1) digital copy of a preliminary plat for any proposed minor subdivision or three (3) large (22" x 34"), five (5) small (11" x 17"), and one (1) digital copy of a preliminary plat for any proposed major subdivision shall be filed with the Zoning Administrator. Every preliminary plat shall contain the required data set forth in this section.

B. Identification and Description.

The following data regarding identification and description of the subdivision shall be provided:

1. Proposed name of subdivision, which name shall not duplicate or too closely approximate the name of any plat recorded in the County.
2. Location by section, township and range or by other legal description and a survey prepared and certified by a surveyor registered in the state of MN.
3. Names and addresses of the owner and subdivider having control of the lands included in the minor or major subdivision, the designer of the plat, and the surveyor.
4. Graphic scale, not less than one inch to one hundred feet.
5. North point.
6. Date of preparation.

C. Existing Conditions.

The following data regarding existing conditions shall be provided on the preliminary plat:

1. Boundary line survey, including measured distances and angles, certified by a licensed surveyor.
2. Total acreage in the subdivision computed to one hundredth of an acre.
3. Location, widths, and names of existing or platted streets or other public ways, parks, and other public open spaces, permanent buildings and structures, easements, and

section and corporate lines within the tract and to a distance of one hundred feet beyond the tract.

4. If the proposed subdivision is a re-arrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.
5. For major subdivisions only, the location and size of existing paved streets, railroads, sewers, water mains, quarried gravel pits, culverts, or other underground facilities within the tract. Also such data as grades, invert elevations and location of catch basins, manholes and hydrants.
6. Boundary lines of adjoining platted or unplatted land within one hundred feet of the tract.
7. Topography at contour intervals not greater than two feet, water courses, marshes, rock outcrops, Ordinary High Water level (OHW) on water bodies that the DNR has determined an elevation, and other significant features superimposed on the preliminary plat.
8. Any additional information as requested by the Zoning Administrator.

D. Proposed Development Design.

The following data regarding proposed development design features of the subdivision shall be provided:

1. For major subdivisions only, the layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street similar to or heretofore used in the City of Willmar shall not be permitted unless the proposed street is an extension of an already named street in which even the names all be used. All street names shall be subject to the approval of the Planning Commission.
2. Locations and widths of alleys, pedestrian ways, and utility and drainage easements.
3. For major subdivisions only, the proposed center line grades of all new streets, and alleys, if any. A complete set of profiles showing both existing and proposed grade lines shall be provided if deemed necessary by the City Engineer.
4. Layout, numbers, approximate dimensions, and size of lots and the number of each block, all of which shall be clearly shown.
5. Layout of building envelopes for lots.

6. Location and size of the proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
7. A vicinity sketch to show the relation of the plat to its surroundings.
8. Any additional information as requested by the Zoning Administrator.

SECTION 5

DATA REQUIRED FOR FINAL PLATS

A. Filing.

The owner or subdivider shall submit a final plat to the Zoning Administrator together with any other information as the Zoning Administrator shall require to review the proposed final plat. Three (3) large (22" x 34"), one (1) small (11" x 17"), and one (1) digital copy of the final plat for any proposed major subdivision or one (1) digital copy of the proposed minor subdivision or consolidated major subdivision shall be filed with the Zoning Administrator. Every final plat shall contain the required data set forth in this section.

B. Required Data.

The final plat shall contain the following:

1. The final plat prepared for recording purposes shall be prepared in accordance with provisions of Minnesota State Statutes and applicable municipal ordinances.
2. Name of subdivision, which shall not duplicate or too closely approximate the name of any plat recorded in the County.
3. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision.
4. The location of existing and placed monuments installed after the completion of site grading shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments, including true angles and distances to such reference points or monuments. Permanent plat monuments shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. Plat monuments shall be durable magnetic markers. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted.
5. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs

of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.

6. Lots and blocks shall be numbered clearly.
7. The exact locations, widths, and names of all streets to be dedicated.
8. Location and width of all easements to be dedicated.
9. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
10. Name and address of developer and surveyor making the plat.
11. Graphic scale on plat ("Scale in Feet"), date and north point.
12. Statement dedicating all easements.
13. Statement dedicating all streets, alleys and other public areas not previously dedicated.

C. Required Certification.

1. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and streets/easements not heretofore dedicated to public use are hereby so dedicated.
2. Notarized certification by registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
3. Certification showing that all taxes and special assessments due on the property have been paid in full.
4. Space for certificates of approval to be filled in by the signatures of the Chairman and Secretary of the Planning Commission, the Mayor, City Clerk, and City Engineer.

The form of approval by the Planning Commission is as follows:

Approved by the Planning Commission of the City of Willmar this
..... day of, 20.....
Signed:
Chairman
Attest:
Secretary

The form of approval by the City Council is as follows:

Approved by the City of Willmar, Minnesota this
.....day of, 20.....
Signed:.....
Mayor
Attest:.....
City Clerk

The form of approval by the City Engineer is as follows:

Approved by the City Engineer, City of Willmar, Minnesota this
.....day of, 20.....
Signed:.....
City Engineer

The form for approval by County Authorities as required.

D. Supplementary Documents and Information.

1. If the infrastructure within a new subdivision is being constructed privately, a complete set of construction plans for roadways, watermain, sewermain, storm drainage facilities, and over lot drainage for all right-of-ways to be dedicated to the City shall be submitted to and approved by the City prior to development.
2. One (1) permanent bench mark shall be installed and established on the property for each twenty (20) acres of development or fraction thereof. The onsite bench mark shall be a durable metal monument, referenced to existing MnDOT Geodetic control network monuments and on the North American Vertical Datum of 1988 (NAVD 88).
3. Copies of restrictive covenants, easements, and declarations affecting the subdivision or any part thereof.
4. An executed Developers Agreement, where applicable.

**SECTION 6
DESIGN STANDARDS**

A. Blocks.

1. Block length. In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets.
 - a. Where no existing plats control, the blocks in residential subdivision shall normally not exceed seven hundred (700) feet in length, except where

topography or other conditions justify a departure from this maximum. In blocks longer than five hundred (500) feet, pedestrian ways and/or easements through the block may be required. The width and location of such pedestrian ways shall be subject to the approval of the City Engineer and the Planning Commission.

- b. Blocks for business or industrial use should normally not exceed eight hundred (800) feet in length.
2. Block width. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

B. Streets and Alleys.

1. The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the Willmar Comprehensive Plan. Except for cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed use of the area to be served.
2. Minor streets should be so planned as to discourage their use by non-local traffic. Dead end streets are prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than five hundred (500) feet, including a terminal turn-around which shall be provided at the closed end, with an outside curb radius of at least forty (40) feet and a right of way radius of not less than fifty (50) feet.
3. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider, and it shall be at the same scale as set forth herein.
4. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate subdividing, with provision for adequate utility connections for such subdividing.
5. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets shall be eighty (80) degrees.

Street intersection jogs shall be a minimum of one hundred fifty (150) feet apart, and shall not be permitted without the express approval of the City Engineer.

6. Wherever the proposed subdivision contains or is adjacent to the right of way of a limited access highway or thoroughfare, provision may be made for a marginal access street (frontage) approximately parallel and adjacent to the boundary of such right of way, or for a street at a distance suitable for the appropriate use of land between such street and right of way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations or lot depths.
7. Alleys should be provided in commercial and industrial districts, except that this provision may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. Except where justified as special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than twenty (20) feet wide. Dead end alleys shall not be permitted.
8. Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
9. For all public ways hereafter dedicated and accepted, the minimum right of way widths for streets, and thoroughfares shall be as shown in the Comprehensive Plan for Willmar and where not shown therein, the minimum right of way width for streets, thoroughfares, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

	<u>Right-of-Way Width</u>	<u>Curb-to-Curb Street Width</u>
Primary Thoroughfare	100 feet	64 feet
Secondary Thoroughfare	80 feet	48 feet
Collector Street	70 feet	40 feet
Minor Street	70 feet	40 feet
Minor Street, One Side Parking	60 feet	32 feet
Frontage Street	50 feet	---
Alley	15 feet	---
Pedestrian Way	10 feet	---

Where existing or anticipated traffic on Primary and Secondary Thoroughfares warrants greater width of rights of way, these shall be required at the discretion of the City Engineer.

10. Street grades. The grades in all streets, thoroughfares, collector streets, minor streets, and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Primary Thoroughfare	5 per cent
Secondary Thoroughfare	5 per cent
Collector Street	6 per cent
Minor Street	8 per cent
Alley	8 per cent

There shall be a minimum grade on all streets and thoroughfares of not less than four tenths (4/10) of one (1) per cent. There shall be a minimum crown on all streets and thoroughfares of not less than one and one half (1 ½) per cent.

11. Street alignment. The horizontal and vertical alignment standards on all continuous streets shall be as follows:

a. Horizontal. Radii of center line:

Major Thoroughfare	500 feet-minimum
Secondary Thoroughfare	500 feet-minimum
Collector Street	250 feet-minimum
Minor Street	150 feet-minimum

There shall be a tangent between all reversed curves of a length in relation to the radii of all curves so as to provide for a smooth flow of traffic.

b. Vertical. All changes in street grades shall be connected by vertical parabolic curves of such length as follows:

Primary Thoroughfare or Secondary Thoroughfare	30 times the algebraic difference in the percent of grade of the two adjacent slopes.
Collector Street or Minor Street	20 times the algebraic difference in the percent of grade of the two adjacent slopes.

12. All proposed streets shall be offered for dedication as public streets. However, private streets may be permitted in PUDs.

C. Lots.

1. The minimum lot area, width and depth shall not be less than that established by the Zoning Ordinance of Willmar.
2. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as defined in the Zoning Ordinance of Willmar.

3. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
4. Double frontage lots shall not be permitted except where lots back on a thoroughfare or other arterial street, or where topographic or other conditions render subdividing impractical in which case vehicular and pedestrian access between the lots and arterial streets shall be prohibited. Such double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.
5. Every lot must have at least the minimum required frontage as per Zoning Ordinance on a public dedicated street other than an alley.

D. Easements.

1. An easement for utilities, at least six (6) feet wide shall be provided along each side of any lot line as may be deemed necessary to form a continuous right of way, at least twelve (12) feet in width. If necessary for the extension of water main or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
2. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be by resolution pursuant to the provisions of the City Charter respecting the vacation of streets and public grounds.
3. Additional easements for pole guys should be provided at the outside turns. Where possible lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.
4. Where a subdivision is traversed by a water course, drainage way, channel, or stream, a storm sewer easement, drainage right of way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as will be adequate for the stormwater drainage of the area. The width of such easements shall be determined by the Planning Commission.
5. A five (5) foot tree planting easement shall be required contiguous to all public streets and avenues.

SECTION 7 PARK DEDICATION

A. General.

The City finds the preservation and development of parks and open space areas essential to the health and general welfare of the community. Parks are a major asset to residents and persons

employed in Willmar, and the following provision allows for further growth, orderly development, and enhancement of the park system, pursuant to the City of Willmar Comprehensive Plan and the Willmar Parks and Recreation Master Plan. Prior to subdivision approval, the subdivider shall dedicate land for parks, playgrounds, conservation, or public open spaces and/or shall make a cash contribution to the City's Park Dedication Fund as set forth in this section. All land intended for public use as indicated in the Willmar Comprehensive Plan that lies partially or completely within a proposed subdivision shall be dedicated to the appropriate governmental unit in addition to the requirements of this section, except where the Planning Commission deems an alternate site within the plat to be similarly suitable.

B. Application.

All new subdivisions within the jurisdiction of this Ordinance shall be required to comply with park dedication requirements as herein described. In the case of a replat where a park dedication and/or cash contribution has been made on previously subdivided lots, and said lots are more than 70% of the area being replatted, no dedication or cash contribution shall be required.

The City may alter Park Dedication requirements in the following scenarios:

1. A subdivision in the Central Business District where the development or redevelopment is of greater vitality and benefit to the City in comparison to park, playground, conservation, and open space improvements.
2. A subdivision that allows for the development of affordable housing that is of greater benefit to the City in comparison to park, playground, conservation, and open space improvements.
3. A subdivision that significantly increases tax revenue or employment opportunity that is of greater benefit to the City in comparison to park, playground, conservation, and open space improvements.
4. A subdivision that is largely city-assisted development, achieving public objectives.

C. Land Dedication Required.

In all applicable subdivisions, a percentage of net developable land of all property to be subdivided, where a land dedication and/or cash contribution has not been made, shall be dedicated as follows:

1. Residential subdivision (minimum) – 7%
2. Commercial subdivision (minimum) – 4%
3. Industrial subdivision (minimum) – 4%
4. Other subdivision (minimum) – 7%

Land dedication and/or cash contributions for mixed-use Planned Unit Developments shall be calculated in accordance with the percentage of land devoted to each use. Net developable land shall be calculated by gross acreage of all land in the proposed subdivision excluding wetlands and areas required for stormwater ponding, public streets, rights-of-way, and trails. All calculations shall be made at the time of final plat approval.

D. Credit.

The following credits towards park dedication shall be considered when applicable:

1. Where a subdivision includes private open space intended for park and recreation use for all people within the subdivision and such land is to be privately owned and maintained, a credit towards the required land dedication and/or cash contribution may be approved by the City of up to 25%.
2. Where prior park land dedication and/or cash contribution has been given for land within a proposed subdivision, credit equivalent to the full amount dedicated and/or contributed shall be given.
3. In no case shall park land dedication credits result in a refund.

E. Land Suitability.

All land dedicated for parks, playgrounds, conservation, or public open spaces shall be suitable for its intended use and shall be at a convenient location for the intended users. In the evaluation of adequacy of proposed park, playground, conservation, or open space areas, the City shall consider factors including size, shape, topography, geology, hydrology, tree cover, access, and location.

F. Payment Requirements.

The City may elect to accept a cash payment in lieu of a land dedication or any combination thereof equivalent to the land dedication requirements. In such case, the subdivider shall be required to make such payment to the City's dedicated Park Dedication Fund based on the estimated market value, as determined by the County Assessor, of unplatted land in the area for which park fees have not been paid and that is to be served with City sanitary sewer and water service, in an amount equivalent to the land dedication requirements. Cash payments contributed to this fund shall be used for the acquisition and improvement of land for parks, playgrounds, conservation, or other open space areas as provided by Minnesota State statute. No funds shall be used for ongoing operation or maintenance of existing parks or recreational facilities or sites. All cash contributions shall be calculated and paid at final plat approval.

The City may approve a delay in the payment of cash contributions for any plat with park fees of more than two thousand five hundred dollars (\$2,500) if an agreement is executed guaranteeing such payment as follows:

1. Plats with park fees of two thousand five hundred one dollars (\$2,501) to seven thousand five hundred dollars (\$7,500) shall pay at least one-third (1/3) of the fee at final plat approval, one-half (1/2) of the balance not later than six (6) months from the date of final plat approval, and the balance not later than twelve (12) months from the date of final plat approval. No interest shall be charged during the twelve (12) months.
2. Plats with park fees of over seven thousand five hundred one dollars (\$7,501) shall pay at least one-third (1/3) of the fee at final plat approval, one-half (1/2) of the balance not later than twelve (12) months from the date of final plat approval, and the balance not later than twenty-four (24) months from the date of final plat approval. No interest shall be charged during the twenty-four (24) months.

G. Improvements and Infrastructure.

Land dedicated for public use shall be designated as an outlot on the plat. The subdivider shall be responsible for grading the land to the contours approved on the preliminary plat and the land shall be left in condition suitable for the City. Improvements shall be made to all land dedicated for parks and open space in the same degree and manor as is required for developable property in Section 8 of this Ordinance. All existing trees shall be preserved on land to be dedicated.

**SECTION 8
BASIC IMPROVEMENTS**

A. General.

1. *Approval.*
 - a. Before a final plat may be approved by the City Council, the owner shall execute and submit to the Council an agreement, which shall be binding on the owner (or their) heirs, personal representatives and assigns. The agreement shall state that the owner shall cause no private construction on said land, except with approval of the City Engineer, until all the improvements required under this Ordinance have been petitioned for, arranged for, and have been constructed.
 - b. A certified copy of the plat restrictions shall be filed with the Clerk and County Recorder, which shall include a provision that in all instruments of sale or conveyance given before all street improvements have been made, the consignee shall agree to and approve such improvements and the assessment of their costs.
2. *Financing by Developer.* The City Council shall require the Developer to finance and pay for any and all public improvements. The owner or subdivider shall deposit with the City Clerk an amount equal to thirty (30) percent of the City Engineer's estimated

cost of any or all such improvements which are to be financed by the Developer, either in cash or an irrevocable letter of credit in a form satisfactory to the City, conditioned upon the payment of all construction costs incurred by the City in making of such improvements and all expense incurred by the City engineering and legal fees and other expense in connection with the making of such improvements.

B. Improvements.

The following improvements shall be constructed as provided for in this Section. Programming of improvements shall be approved by the City Engineer.

1. *Obligation of City.* The City of Willmar will construct, furnish, and install at City expense, the following improvements according to City specifications. Furnishing these improvements shall be commensurate with available City funds for such work and according to programs and priorities as established by the City Council.
 - a. Signs: Street name signs and traffic control signs shall be installed by the City.
 - b. Trees: Boulevard trees shall be installed by the City, after curb and gutter have been constructed.
2. *Obligation of Developer.* The Developer shall pay for the following improvements on or for his/her subdivision or development. Financing shall be according to Section 8.A.
 - a. Street Lighting: Street Lighting shall be constructed by the City, preferably after curb and gutter have been installed.
 - b. Site Grading: Necessary site grading shall be accomplished by the Subdivider, prior to installation of improvements.
 - c. Street Grading: Street grading for the full width of right-of-way shall be accomplished by the Subdivider. If no site grading is to be accomplished, the street grading will be included with subsequent street improvements. Street to subgrade shall precede any underground work, whether by the City, or any private utility.
 - d. Permanent Street Improvements: Permanent Street improvements including base, curb and gutter, boulevard sod, inlets and leads, and paving, according to Standard City Specifications or as approved by the City Engineer, shall be constructed. All required underground work shall have preceded any permanent street improvements. Additional width of street or load design required on a residential street will be borne by the City. Any improvements on a County Road shall be approved by the County Engineer. Temporary construction may, at the discretion of the City Engineer, be required, for just cause, on any street, streets, or portion thereof. Reconstruction or alteration in

any way of existing streets affected by the plat or improvements thereupon shall be to the approval of the City Engineer. All costs therein incurred, for either temporary access or reconstruction shall be borne by the Owner or Subdivider. Half streets, if accepted, shall be improved as directed by the City Engineer.

- e. Storm Sewer: Storm sewer mains will be constructed by the City as funds are available. Connection shall be made at the boundary of the subdivision, if available, or to some other approved discharge outlet. The developer shall secure or provide the necessary easements or discharge permits. This requirement shall not prevent the City from acquiring necessary easements by eminent domain. Any costs for such easements shall be borne by the Developer.
- f. Sanitary Sewer: Where City sewer is, or will be, available at the boundary of the Subdivision, sanitary sewer infrastructure shall be constructed within the subdivision according to City specifications. Main sizings shall be by the City Engineer with the minimum size of mains being eight (8) inches. The cost of any required pumping stations, deemed necessary by the Engineer, shall be assessed against the benefited property. Any increase in pipe sizes necessitated for trunk lines shall be paid for by the City. Where it is neither practical nor economical for the City to extend City sewer, private sewage disposal facilities may be constructed, according to City and state regulations. Consideration shall be given to future availability of City sewer in such installations. Such information shall be recorded on the plat and in each deed so affected.
- g. Water Main: Where City water is, or will be, available at the boundary of the subdivision, water infrastructure shall be constructed within the subdivision according to City specifications. Main sizings shall be by the City Engineer with the minimum size of mains being eight (8) inches. All required hydrants and valves are to be included in the construction. Any increase in pipe size necessitated for trunk lines shall be paid for by the City. Where it is neither practical nor economical for the City to extend City water, private water supplies may be constructed, according to City and state regulations.

SECTION 9

REGISTERED LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS

A. Registered Land Surveys.

All registered land surveys effecting a division of property to which this Ordinance applies shall be presented to the Planning Commission in the form of a minor subdivision or preliminary plat in accordance with the standards set forth in this Ordinance. In the case a division of land is exempted from this process, a Certificate of Survey shall be required as found in Section 2.C.1-4.

B. Conveyance by Metes and Bounds.

It is the stated purpose and the public policy of the Council to discourage the use of metes and bounds descriptions. The tendency for error, difficulties in preparing numerous documents using long descriptions, and the desire for efficient and accurate keeping of records of the city all require the adherence to this policy. To that end that the following shall be required:

1. If the owner of a parcel of land described by metes and bounds requests a division of assessments on said parcel, the owner shall furnish a plat that meets the requirements of a major or minor subdivision as stated in this Ordinance.
2. As a condition to the connecting of any metes and bounds parcel to sewer or water, such parcel shall be platted.

SECTION 10 VARIANCES

A. General Conditions.

The Planning Commission may vary from the provisions of this Ordinance when, in its opinion, an unusual hardship on the land would result from strict adherence to the requirements of this Ordinance. In granting any variance, the Commission may impose conditions that it deems necessary to or desirable for the public interest in relation to the variance. In making its findings, as required herein below, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Commission finds:

1. That there are unusual circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land;
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and
3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

B. Applications Required.

Applications for any such variance shall be submitted in writing to the Zoning Administrator by the subdivider at the time when the subdivision is filed for consideration by the Commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Commission in the analysis of the

proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

SECTION 11 COMPLIANCE

A. Building Permits.

No building permit shall be issued by the City of Willmar with respect to the land or to any lot in a subdivision, as defined herein, until the subdivider shall have recorded the plat with the County Recorder or a metes and bounds split is recognized by the County Assessor.

SECTION 12 VIOLATIONS AND PENALTY

A. Sale of Lots from Unrecorded Plats.

It shall be unlawful to sell, trade, or otherwise convey or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or portion of the City unless said plan, plat, or replat shall have first been recorded with the County Recorder.

B. Misrepresentations as to Construction, Supervision, or Inspection of Improvements.

It shall be unlawful for any person, firm, or corporation owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys, or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.

C. Penalty.

Anyone violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each month during which compliance is delayed shall constitute a separate offense.

D. Injunctions.

The City of Willmar, by its governing body, may, in addition to resorting to the penalty provisions hereinabove set forth, apply to the district court for such restraining orders and injunctions as may be permitted by law.

SECTION 13
SCHEDULE OF FEES AND CHARGES

A. Application fees.

The following fees are adopted for services provided by City Staff in the subdivision process as found in this Ordinance:

- | | |
|---------------------------------------|------------------|
| 1. Certificate of Survey Staff Review | \$25 |
| 2. Minor Subdivision | \$200 |
| 3. Consolidated Major Subdivision | \$350 + \$15/lot |
| 4. Major Subdivision | \$450 + \$20/lot |

In addition, the subdivider shall be billed for any costs incurred in the platting review process, such as extra consultant work, not covered by the above fees.

SECTION 14
REPEAL OF ORDINANCE 2.023

City of Willmar Ordinance No. 2.023, "Subdivision Ordinance of the City of Willmar," shall be repealed in its entirety.

SECTION 15
EFFECTIVE DATE

This ordinance shall be effective from and after its adoption and second publication.

NOTICE OF HEARING FOR PROPOSED REZONING

Notice is hereby given that the Willmar Planning Commission will meet at the Willmar City Office Building (Conference Room #1, main floor), 333 6th St. SW, Willmar, Minnesota, at 7:02 p.m. on Wednesday, August 15, 2018, to consider the application of Willmar Redevelopment Co, LLC, Willmar, MN, for a change in zoning from Ag (Agriculture) to R-4 (Medium Density Multi-Family Residential) allowing multi-family housing on property described as follows:

North 1655 feet of Northwest ¼ excluding the west 40 acres thereof.

All property owners or residents living in the vicinity of the above-described property are hereby notified of the public hearing and that they may appear in person or be represented by counsel to be heard on this matter. The Planning Commission meeting agenda and packet can be found on the Calendar on the home page of the City's website (www.willmarmn.gov).

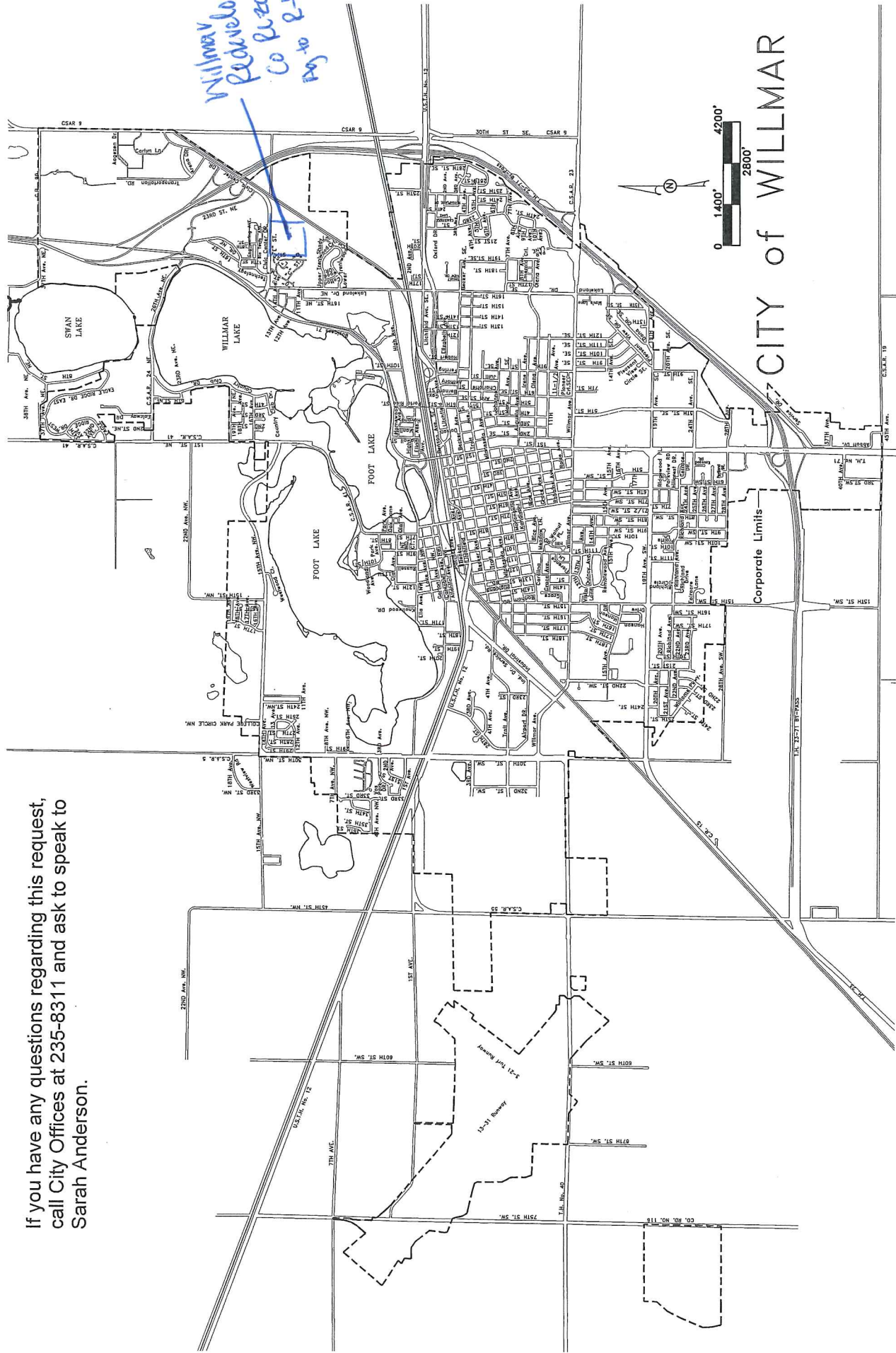
July 31, 2018
Date

Sarah J. Anderson
Planner

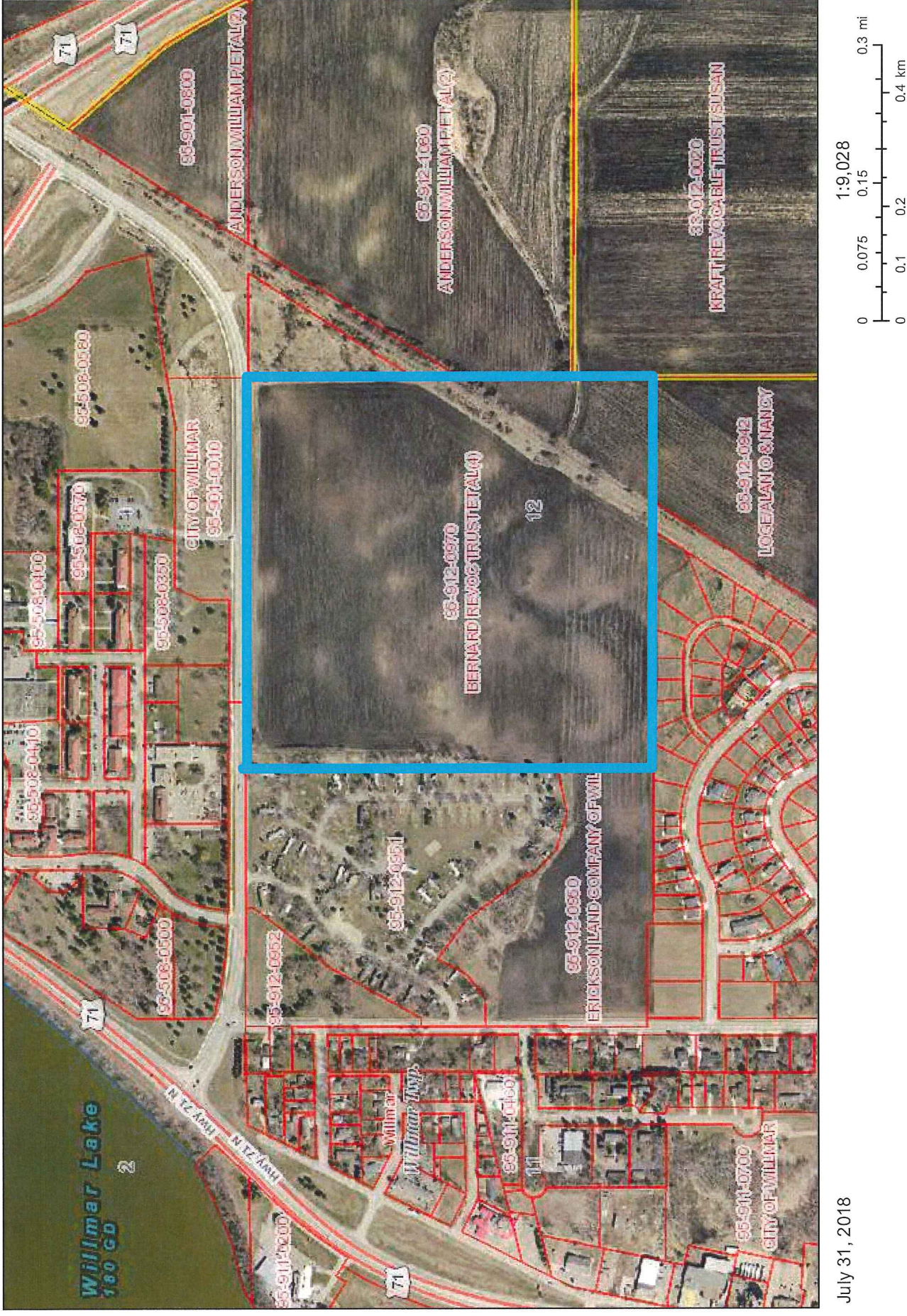
Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Abby al 235-0850 ext. 1100, de Heartland Community Action Agency.

Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

If you have any questions regarding this request, call City Offices at 235-8311 and ask to speak to Sarah Anderson.



Willmar Redevelopment Co Rezone Location



July 31, 2018

- **Sidewalks, trails, bike, and pedestrian connections** – These are not only becoming more crucial for recreation, but also for citywide transportation. All City paths/trails should be interconnected.
- **Value of open/“green” space** - Open spaces, or natural areas, provide recreational, ecological, and aesthetic value to the City.

Natural Resources & Environmental Quality

- **Protecting natural resources** - The Willmar area has a diverse natural resource base that provides economic, recreation, and aesthetic benefits to both residents and visitors. The City should support policies designed to protect these natural resources.
- **Protect, improve, and promote area lakes** – Foot, Willmar, and Swan Lakes provide recreational and economic benefits to the City of Willmar and surrounding area. Improving water quality and enhancing associated recreational opportunities are important to the tourism, property values, and aesthetic appeal of the community. Water monitoring and shoreline preservation were suggested at the Plans’ public meetings.
- **Protect wetlands** - Wetlands provide numerous benefits, including improved water quality, flood water retention, and wildlife habitat. Land use decisions need to consider the importance of wetlands and recognize them as a benefit in future land use designs/development.
- **Consult local agencies** - Coordinated planning activities between the City and affected agencies (i.e., DNR, MPCA, Mn/DOT, etc.) could help to ensure that efficient growth occurs with minimal adverse environmental impacts.

Residential & Social Development

- **Sustainable Housing** - The use of innovative housing subdivision design can create higher density of housing, minimize land consumption, and preserve open space for all to enjoy.
- **Subdivision Development Policies** - Subdivision development policies and regulations should be established in a way that gives developers an incentive to make the most efficient use of a piece of property, while protecting unique natural features.
- **Pedestrian Friendly** - New developments should include design concepts that accommodate people with a wide variety of pedestrian needs, including youth, handicapped, and seniors.

- o **Equal Housing Opportunities** – Good housing should be available to all citizens, regardless of race, income, religion, etc. Mixes of twin homes, single-family homes, HRA housing, apartments, and the rehabilitation of existing housing was all suggested during the Plan’s public meetings.

Transportation

- o **Future streets need to follow infrastructure** - The City needs to systematically plan for the expansion and new construction of streets as the community grows. This especially means connecting new roadways logically to existing roadways.
- o **Street maintenance** - The maintenance of streets is an expensive, but necessary, component of the City’s transportation system. Capital improvements planning for roadway maintenance should account for anticipated increases in traffic and the demand for additional roads.
- o **Pedestrian safety** - Pedestrian concerns should be at the forefront of all planning and development activities. Trails, paths, and bike lanes emphasizing connectivity were identified by the public during the Plan’s various meetings.
- o **Safety concerns** - Growth will result in increased traffic. Proper traffic controls such as signing, traffic lights, and access management regulations can help create safer roadways for the public.
- o **Public transit** - Providing public transportation opportunities for local residents can provide mobility for an aging population and people with disabilities. The KAT (Kandiyohi Area Transit) bus system helps to fill this need.
- o **Railroad concerns** - The railroad, which runs through the City parallel to U.S. Highway 12, presents a number of key planning issues. New railroad crossing points are extremely difficult to accomplish (because of safety and liability concerns expressed by the railroad companies). This creates traffic flow and access issues for future development.
- o **Right-of-way widths** – There is a trend toward reducing right-of-way widths in residential developments to decrease infrastructure costs and increase housing affordability.

Land Use Planning

- o **Urban growth boundaries** – The land surrounding Willmar where growth is anticipated to occur is called the City’s “urban growth boundary”. Continuously working with surrounding townships to identify urban growth boundaries and determine the need for annexation agreements will be important as the City experiences growth.

Comp Plan

Goals, Objectives, & Policies

- f. Parking areas that are provided in parks should be properly landscaped and surfaced.
- g. Where industrial or commercial uses border or are located adjacent to a park, they should be screened by appropriate plantings.
- h. Where recreation areas are located in residential neighborhoods, appropriate plantings and screenings should be provided to protect the neighborhood from noise.
- i. Abandoned railroad areas should be developed as public trails or recreational areas when the future rail use of the site is not foreseeable.
- j. Areas best suited for future parks, open space, and trails should be identified and preserved.

Section F: Residential and Social Development

- 1. **GOAL:** To preserve and develop a mixture of different housing types, densities, and cost ranges that will meet the needs of all citizens.
- 2. **OBJECTIVES:**
 - a. Establish and maintain safe, healthful, and blight-free residences and neighborhoods.
 - b. Locate housing to provide convenient access to public and private facilities and activities.
- 3. **POLICIES:**
 - a. Monitor the existing and future housing needs for the various income and age groups.
 - b. Encourage the maintenance and rehabilitation of existing housing structures in the community.
 - c. Encourage the development of neighborhoods that include a variety of housing types and cost ranges.
 - d. Encourage public and private participation in local, state and federal programs for the provision of low and moderate income housing units.
 - e. Promote the location of higher-density housing units near commercial, medical and employment concentrations.

- f. Encourage design standards in subdivisions and higher-density housing that take into consideration the social and psychological well-being of their residents.
- g. Encourage innovative site and housing unit design for energy conservation, aesthetics, open space preservation, bike and pedestrian access etc.
- h. Regulate home occupations carefully to avoid or minimize traffic problems and incompatible land uses in residential districts.
- i. Regulate industrial or commercial land uses to control truck traffic and to reduce land use conflicts with residential properties.
- j. Encourage the location of residential subdivisions where City services are readily available and in areas which have direct access to existing transportation routes.
- k. Promote the orderly growth of residential developments with logical expansion of municipal services and utilities.
- l. Encourage transition zones between low and high density residential developments.
- m. Restrict the location of mobile homes to mobile home parks where adequate services can be provided.
- n. Promote the use of rain gardens and infiltration basins to reduce storm water impacts.

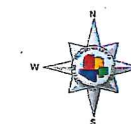
Section G: Historic Preservation and Aesthetics

1. **GOAL:** To protect, preserve and enhance valuable historic and aesthetic sites throughout the community.
2. **OBJECTIVES:**
 - a. Protect, preserve, and restore key historic buildings and sites throughout the community.
 - b. Create, maintain, and enhance visually pleasing areas and neighborhoods throughout the community.
3. **POLICIES:**
 - a. Maintain a historic-design inventory of the community with special emphasis on the Central Business District.

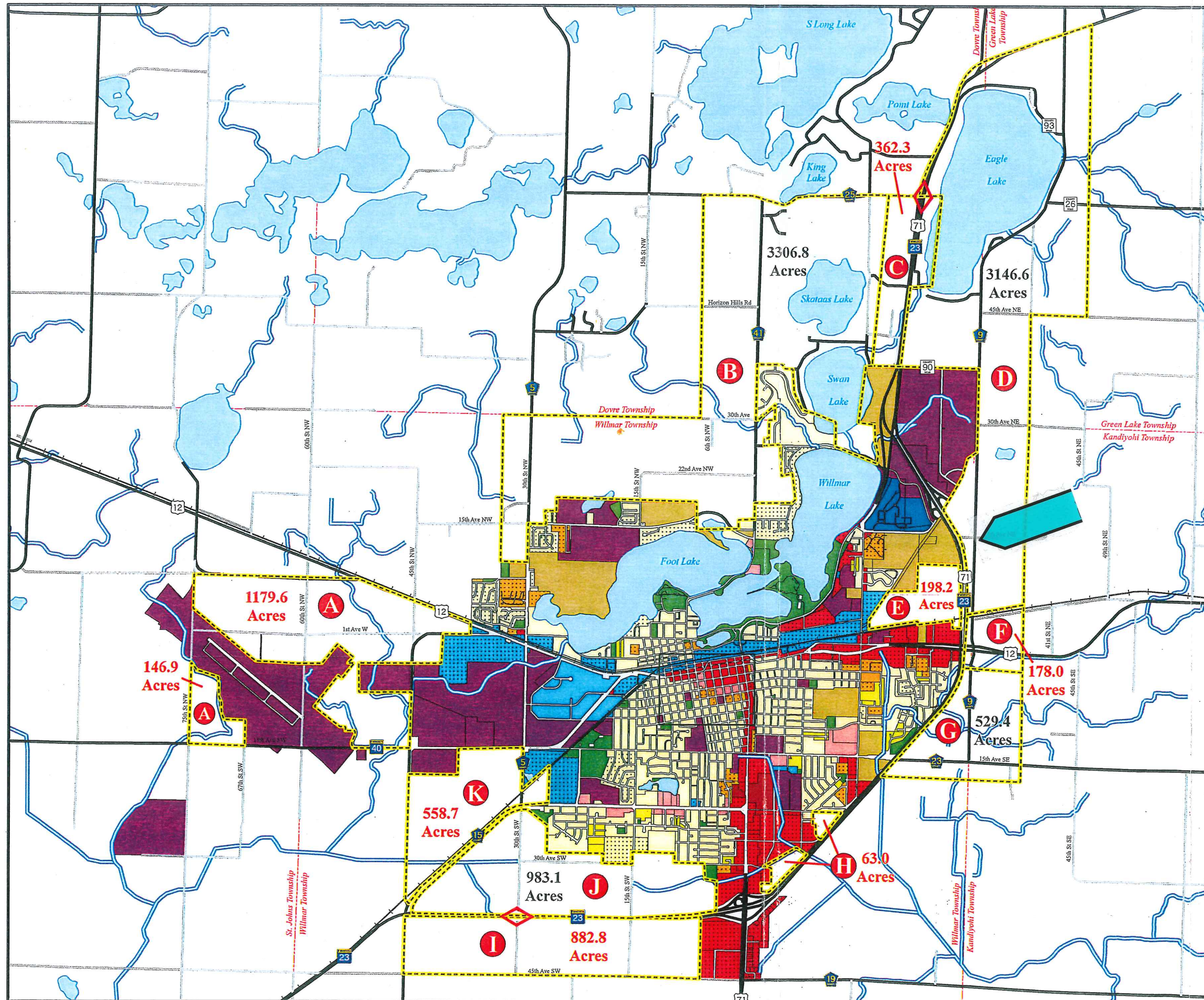
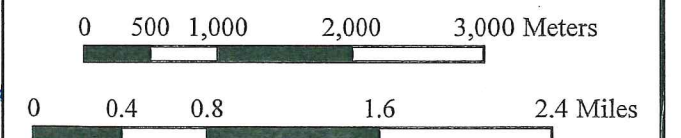
Map 6A: City of Willmar: Future Land Use

Legend

- Urban Growth Boundary
- Unpaved Road
- Paved Road
- Railroad
- River, Stream or Ditch
- R-1, One Family Residential
- R-2, One and Two Family Res
- R-3, Low Density Multi Family
- R-4, Medium Density Multi Fam
- R-5, High Density Multi Family
- LB, Limited Business
- GB, General Business
- CBD, Central Business District
- SC, Shopping Center
- I-1, Limited Industry
- I-2, General Industry
- P, Park District
- A, Agriculture
- G, Government/Institution Dist
- T, Technology District
- Lakes
- Townships
- A - K Future Land Use
(See text in Comprehensive Plan)
- ◆ Future Interchange



Prepared by Mid-Minnesota
Development Commission
February 2009



Urban Growth Area Descriptions

Map 6A shows the location of each Urban Growth Area described below. It is the City's desire to preserve agricultural land for as long as is feasible and to deter sprawl and/or leap-frog development.

- A AREAS A** The two Urban Growth Areas surrounding the airport should be reserved for airport related business and industry. The land should remain in agricultural use pending the logical expansion of industrial use through annexation, as the City expands to the West and municipal services become available. Areas A contain approximately 1,327 acres of land all impacted by Airport Zoning. It may also be the site of a future railroad bypass.
- B AREA B** Low density residential development with scattered nodes of neighborhood commercial development, including limited retail and service businesses, as municipal services are made available (approximately 3,307 acres).
- C AREA C** Future interchange with expanded highway commercial development when municipal services become available. There will also be some mixed density residential development (approximately 362 acres)
- D AREA D** Area D, containing approximately 3,147 acres, will have low density residential development with scattered nodes of neighborhood commercial development, including limited retail and service businesses.
- E AREA E** This area will continue with agricultural uses until access and services become available. Future conversion of the existing railroad spur line to a trail as a link in the current trail system is anticipated. Development will transition from industrial in the south (where it currently exists) to **residential in the north**. Area E contains approximately 198 acres.
- F AREA F** Limited commercial development when municipal services become available (approximately 178 acres).
- G AREA G** Residential development when municipal services become available (approximately 529 acres).
- H AREAS H** Agricultural until annexed. Commercial development when municipal services become available (approximately 63 acres).
- I AREA I** Mixed commercial and light industrial development transitioning to mixed residential development as municipal services become available (approximately 883 acres).
- J AREA J** There will be residential development with limited commercial development adjacent to the interchange planned at CSAH 15 (approximately 983 acres).
- K AREA K** Agricultural uses changing to industrial as municipal services become available (approximately 559 acres).



ALTA/NSPS LAND TITLE SURVEY
WILLMAR, MINNESOTA
TITLE COMMITMENT NO. 18.2707 & 18.2708

NOTES CORRESPONDING TO SCHEDULE B - EXCEPTIONS

The following were provided in Old Republic National Title Insurance Company Commitment File Number 18.2707 & 18.2708, Effective Date of May 3, 2018 at 8:00 a.m., Schedule B - Exceptions. The items referenced correspond to the items defined in the Title Commitment's Schedule B - Exceptions. The items referenced are followed by comments made by Bolton & Menk, Inc. addressing the item and are referenced on survey map by item number.

Items 1 through 8, Schedule B - Exceptions are not addressed on this survey.

- a 9 Access restriction to State Highway No. 71, as shown in dated November 24, 1987, recorded January 28, 1991, as Doc. No. 355970. (MNDOT Parcel TC 18.2707)
There is no access permitted to the on/off ramp to US Highway 71 / State Trunk Highway 23
- b 9 Easement for construction and maintenance of utility line purposes, in favor of the City of Willmar, as shown in document dated June 28, 1993, recorded June 29, 1993, as Doc. No. 381006. (City Parcel TC 18.2708)
The easement lies north of Transportation Road and does not affect surveyed premises. As shown on Survey.
- 10 Ditch Agreement as shown in document recorded in Book O of Misc., page 183 (Both Parcels).
The easement described in this document is a ditch in the Northeast Quarter of Section 1. There is no definite description of the location or width of said easement in the Northeast Quarter, therefore this easement is not plottable.

SURVEYOR'S NOTES

- There is a discrepancy between the boundary lines of the property as shown on this Survey Map and those in the legal description presented in the title insurance commitment no. 18.2707 (State parcel) used for this survey. Part of the described land is in the Northeast Quarter of the Southeast Quarter and is not listed in the caption of the description.
- Fee ownership is vested in the State of Minnesota, per title commitment no. 18.2707. Fee ownership is vested in the City of Willmar per title commitment no. 18.2708.
- The boundary lines of the subject property are contiguous with the boundary lines of all adjoining streets, highways, rights of way and easements, public or private, as described in their most recent respective legal descriptions of record.
- Subject property boundaries that are graphically depicted on this survey map coincide with the property described in Schedule A of the title Insurance commitments.
- Subject properties are Abstract property.

Ingress/Egress

6. At the time of the survey the subject property has no constructed vehicular access to and from Transportation Road or Civic Center Drive.

7. No Access is allowed to US Highway 71 / State Trunk Highway 23

Bearing Basis

8. Orientation of the bearing system used for this survey is based on the south line of the Southwest Quarter of the Northeast Quarter of Section 1, T119N, R35W, which is assumed to bear S 89°38'33"E.

STATEMENT OF POSSIBLE ENCROACHMENTS

The following are possible encroachments that may affect the subject property. Bolton & Menk, Inc. does not guarantee that all encroachments have been identified.

- A Electrical and communication pedestals are outside the public right of way. No easement was provided for these utilities.
- B The fence that runs along the highway right of way of US Highway 71 and State Trunk Highway 23 is inside the perimeter of the subject property. See survey for dimensions.

VICINITY MAP

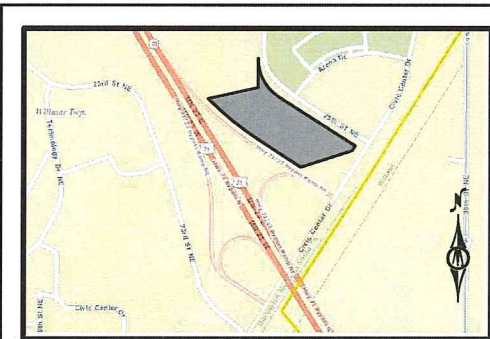


TABLE A ITEMS

Item 1 - Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner.

- As shown on this survey.

Item 2 - Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork.

- There are no buildings on the subject property. No address has been assigned as this parcel has not been created yet.

Item 3 - Flood zone classification (with proper annotation based on federal Flood Insurance Rate Maps or the state or local equivalent) depicted by scaled map location and graphic plotting only.

- Subject property lies in Zone X of the Flood Insurance Rate Map Number 27067C0325D, Panel No. 325, with an effective date of September 30, 2015 is not in a Special Flood Hazard Area. Zone X is defined as "areas determined to be outside the 0.2% chance of flooding." Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

Item 4 - Gross land area (and other areas if specified by the client).

- Subject property, as presented in the title insurance commitment, contains a total of 9.977 acres of land: Old Republic Title Commitment No. 18.2708 (City Parcel 7933 square feet, more or less. [0.182 of an acre]) Old Republic Title Commitment No. 18.2707 (State Parcel 426,676 square feet, more or less. [9.795 acres])

Item 5 - Vertical relief with the source of information (e.g. ground survey or aerial map), contour interval, datum, and originating benchmark identified.

- The elevations shown on this survey are taken on the ground with traditional survey equipment. Contours shown are at 1 foot intervals. The originating benchmark is Minnesota Department of Transportation monument 3412 J. Elevation is 1189.51 feet, NAVD 88 datum.

Item 6 (b) - If the zoning setback requirements are set forth in a zoning report or letter provided to the surveyor by the client, and if those requirements do not require an interpretation by the surveyor, graphically depict the building setback requirements. Identify the date and source of the report or letter.

No zoning letter was provided to surveyor. However, the below information is published on the city's website and shows the subject properties to be in Zone G, Government, Institution District.

According to the City of Willmar Zoning Ordinance has indicated that the surveyed premises shown on this survey is currently in Zone G, Government, Institution; under the applicable zoning regulations the following information was found:

Lot Area: No minimum area

Lot Width: No minimum width

Setbacks: Are as recommended by the zoning Administrator and approved by the Planning Commission, taking into consideration the zoning and district requirements governing the surrounding area. In no case, however, shall the setbacks be less than thirty (30) feet for the front (street r/w) or rear, and fifteen (15) feet for the sides, except where a use abuts a railroad line and zero (0) setback is necessary for access and loading purposes.

For additional information contact Bruce Peterson, planning and development director for the city of Willmar.

Item 8 - Substantial features observed in the process of conducting the survey (in addition to the improvements and features required under Section 5 above) such as parking lots, billboards, signs, swimming pools, landscaped areas, etc.

- As shown on this survey.

Item 11 - Location of utilities existing on or serving the surveyed property as determined by:

Utilities shown hereon are observed or from visible surface marks and/or drawings provided by operators contacted by the Gopher State One Call Notification Center (651) 454-0002. Reference ticket numbers 181091058 for utility information across the surveyed premises. Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered. Contact Gopher State One Call Notification Center for verification of utility type and field location, prior to excavation. The following list of operators was provided by Gopher State One Call:

a)	Charter Communications	(800) 778-9140
b)	Centurylink	(800) 283-4237
c)	Kandiyohi Power Coop	(763) 682-3514
d)	Windstream Communications	(800) 289-1901
e)	Center Point Energy	(608) 223-2014
f)	MNDOT	(651) 366-5750
g)	Willmar Utilities Elec/Fiber	(320) 235-4422
h)	Willmar Utilities Water	(320) 235-4422
i)	Willmar Utilities Sewer	(320) 235-4422
j)	Willmar Utilities Heat	(320) 235-4422

Item 13 - Names of adjoining owners according to current tax records. If more than one owner, identify the first owner's name listed in the tax records followed by "et al."

- The names of adjoining owners are shown according to current tax records as noted in the county GIS website.

Item 14 - As specified by the client, distance to the nearest intersecting street.

- As shown on this survey.

LEGAL DESCRIPTION

The following were provided in Old Republic National Title Insurance Company Commitment Number 18.2707, Effective Date of May 3, 2018, at 8:00 a.m., Schedule A.

All of Tract A described below:

Tract A. That part of the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 1, Township 119 North, Range 35 West, Kandiyohi County, Minnesota described as follows: Commencing at a point on the south line of said Southwest Quarter of the Northeast Quarter, distant 807 feet easterly of the southwest corner thereof, said point being on the westerly right of way line of City Street as now located and established; thence westerly along said south line to an intersection with the northeasterly right of way line of Trunk Highway No. 71 as now located and established and the point of beginning of Tract A to be described; thence northeasterly to a point on the westerly right of way line of said City Street, distant 100 feet northerly of an intersection with the south line of said Southwest Quarter of the Northeast Quarter; thence southerly along said westerly right of way line for 100 feet to the south line of said Southwest Quarter of the Northeast Quarter; thence easterly along said south line to an intersection with the southwesterly right of way line of Transportation Road as now located and established; thence southeasterly along said southwesterly right of way line to a point distant 50 feet northwesterly of an intersection with the northwesterly right of way line of Civic Center Drive as now located and established; thence southwesterly at right angles to the southwesterly right of way line of said Transportation Road for 50 feet; thence southwesterly to a point on the northeasterly right of way line of Trunk Highway No. 71, distant 350 feet northwesterly of an intersection with the northwesterly right of way line of said Civic Center Drive; thence northwesterly along the northeasterly right of way line of said Trunk Highway No. 71 to the point of beginning.

The following were provided in Old Republic National Title Insurance Company Commitment Number 18.2708, Effective Date of May 3, 2018, at 8:00 a.m., Schedule A. (Parent Parcel)

That part of Tract A described below:

Tract A. That part of the East Half of Section 1, Township 119 North, Range 35 West, Kandiyohi County, Minnesota, lying northwesterly of the northwesterly right of way line of the Burlington Northern, Inc., except the west 807 feet thereof; which lies within a distance of 50 feet on each side of Line 1 described below:
Line 1. From a point on the south line of said Section 1, distant 101.35 feet west of the south quarter corner thereof, run easterly on said south section line for 19.44 feet; thence deflect to the left on a 7 degree 00 minute 00 seconds curve (delta angle 57 degrees 42 minutes 30 seconds) for 824.4 feet; thence on tangent to said curve for 2174.16 feet; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds for 50 feet to the point of beginning of Line 1 to be described; thence continue northwesterly on the last described course for 852.96 feet; thence deflect to the right on a 16 degree 00 minute 00 second curve (delta angle 57 degrees 25 minutes 02.9 seconds) for 358.86 feet; thence on a tangent to said curve for 2400 feet and there terminating; together with that part of Tract A hereinbefore described adjoining and westerly of the above described strip, which lies northerly of the east and west quarter line of said Section 1; together with all right to the temporary easement for highway purposes over the following described strip, which right would have ceased on December 1, 1980 or on such earlier date upon which the Commissioner of Transportation determined by formal order that it was no longer needed for highway purposes: A strip being that part of Tract A hereinbefore described adjoining and easterly of the first described strip, which lies southwesterly and westerly of a line run parallel with and distant 100 feet northeasterly and easterly of Line 1 described above.

Proposed Description

That part of the Southwest Quarter of the Northeast Quarter of Section 1, Township 119 North, Range 35 West, Kandiyohi County, Minnesota, that lies east of the West 807 feet thereof and southwesterly of a line drawn parallel with and distant 50.00 feet southwesterly of the following described line, said line described in quit claim deed from the State of Minnesota to the City of Willmar recorded as Microfilm 6700:

From a point on the south line of said Section 1, distant 101.35 feet west of the south quarter corner thereof, run easterly on said south section line for 19.44 feet; thence deflect to the left on a 7 degree 00 minute 00 seconds curve (delta angle 57 degrees 42 minutes 30 seconds) for 824.4 feet; thence on tangent to said curve for 2174.16 feet; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds for 50 feet to the point of beginning of Line 1 to be described; thence continue northwesterly on the last described course for 852.96 feet; thence deflect to the right on a 16 degree 00 minute 00 second curve (delta angle 57 degrees 25 minutes 02.9 seconds) for 358.86 feet; thence on a tangent to said curve for 2400 feet and there terminating

SURVEYOR'S CERTIFICATION

To: 1) State of Minnesota; 2) Old Republic National Title Insurance Company;

This is to certify that this map or plat and the survey on which it is based were made on the date shown below of the premises described in Old Republic National Title Insurance Company Commitment Number 18.2707 & 18.2708, effective date of May 3, 2018, at 8:00am and in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(b), 8, 11, 13 and 14, Table A thereof. I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Date of Field Survey: April 27, 2018

Bolton & Menk, Inc.

By: Zachary L. Zetah
Zachary.Zetah@bolton-menk.com
www.bolton-menk.com
Registration No. 52694
Date Signed: 1 August 2018

Note: This certification is made to the parties listed above as a professional opinion based on the knowledge information and belief of the surveyor as of the date of issuance. Over time, survey and title conditions may change from those shown on this survey or in the title commitment. The above parties are advised that updated title documentation and surveys will be required to confirm conditions affecting the subject property after date of issuance of this survey.

Proposed Description

That part of the Southwest Quarter of the Northeast Quarter of Section 1, Township 119 North, Range 35 West, Kandiyohi County, Minnesota, that lies east of the West 807 feet thereof and southwesterly of a line drawn parallel with and distant 50.00 feet southwesterly of the following described line, said line described in quit claim deed from the State of Minnesota to the City of Willmar recorded as Microfilm 6700:

From a point on the south line of said Section 1, distant 101.35 feet west of the south quarter corner thereof, run easterly on said south section line for 19.44 feet; thence deflect to the left on a 7 degree 00 minute 00 seconds curve (delta angle 57 degrees 42 minutes 30 seconds) for 824.4 feet; thence on tangent to said curve for 2174.16 feet; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds for 50 feet to the point of beginning of Line 1 to be described; thence continue northwesterly on the last described course for 852.96 feet; thence deflect to the right on a 16 degree 00 minute 00 second curve (delta angle 57 degrees 25 minutes 02.9 seconds) for 358.86 feet; thence on a tangent to said curve for 2400 feet and there terminating

ORDINANCE NO. _____

AN ORDINANCE AMENDING NO. 1060
KNOWN AS THE WILLMAR ZONING ORDINANCE
BY AMENDING SECTION 6.I RELATING TO
THE GENERAL BUSINESS DISTRICT

The City Council of City of Willmar does ordain as follows:

SECTION 6. Ordinance 1060 is hereby amended by adding to SECTION 6.I.3. so as to read as follows:

- f. Used vehicle parts sales/scrap metal, located on minor streets with full screening and no stacking of used vehicles.*

Draft —
potential for
amendment to
GB CUP Permitted
Uses

EFFECTIVE DATE. This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: _____

This Ordinance introduced on: _____

This Ordinance published on: _____

This Ordinance given a hearing on: _____

This Ordinance adopted on: _____

This Ordinance published on: _____